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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,564	06/11/2001	Mimi Chu Dong	10010232-1	3290

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09/29/2005

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EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,564

Applicant(s)

DONG ET AL.

Examiner

Qamrun Nahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the appeal brief filed on 6/24/05.
2. The rejection under 35 U.S.C. 102(b) as being anticipated by Pleso (U.S. 6,009,480) to claims 1-30 is withdrawn in view of applicant's remarks/arguments.
3. Claims 1-30 are pending.
4. Claims 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pleso (U.S. 6,009,480) in view of Kawamoto (U.S. 6,615,346) – art of record IDS filed on 7/1/2005.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "said computer" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "said computer system".

Claims 29-30 are rejected for dependency upon rejected base claim above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pleso (U.S. 6,009,480) in view of Kawamoto (U.S. 6,615,346).

Per Claim 1:

Pleso teaches a method for providing application software for a peripheral device to be installed in a computer system ("The present invention relates generally to a method and system for providing and installing a device driver, and more particularly to a system for integrating a device driver with the device itself." in column 2, lines 39-53), comprising: rendering said application software into a memory module coupled to said peripheral device ("The peripheral device stores its driver within its own memory" in column 8, lines 39-40); upon coupling said peripheral device to said computer system by a user, querying said peripheral device by an operating system executing on said computer system; and responsive to said querying, uploading said application software into said computer system from said memory module coupled to said peripheral device ("In step 122, the processor 12 scans all devices connected to the system 10 and identifies in step 123 any new devices that have not been configured yet. As mentioned above, in step 120, the processor 12 determines if there are any new devices connected to the system. ... If a new device (e.g. printer 52) is found, the processor 12 in step 126 queries the

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printer 52 for what resources the printer 52 needs ... After, the assignment, the processor 12 initiates a driver download sequence in step 128. ... The peripheral device stores its driver within its own memory and during the PNP sequence it downloads the driver to the memory (e.g., hard disk) of the host computer 54.” in column 8, lines 12-42 and column 8, lines 54-67 to column 9, lines 1-9). Pleso does not explicitly teach said application software including software for effectuating user-customizable settings with respect to operating said peripheral device. Kawamoto teaches said application software including software for effectuating user-customizable settings with respect to operating said peripheral device (e.g. see printer driver at column 3, lines 50-59; column 3, line 66 to column 4, line 5; column 4, lines 57-62; and at column 5, lines 1-6 and lines 43-67).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Pleso to include said application software including software for effectuating user-customizable settings with respect to operating said peripheral device using the teaching of Kawamoto. The modification would be obvious because one of ordinary skill in the art would be motivated to allow a user to change the setup of a device operation (Kawamoto, column 2, lines 1-13).

Per Claim 2:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said rendering said application software into a memory module comprises programming a flash read-only memory (ROM) module with said application software (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 3:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said application software comprises at least one of customer usage application software, customer support diagnostic application software, driver software and at least one default setting with respect to said peripheral device (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 4:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said rendering said application software into a memory module comprises programming a nonvolatile memory (NVM) module with said application software (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 5:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said rendering said application software into a memory module comprises programming an electrically programmable read-only memory (EPROM) module with said application software (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 6:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said rendering said application software into a memory module comprises programming an electrically erasable

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programmable read-only memory (EEPROM) module with said application software (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 7:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said rendering said application software into a memory module comprises programming a nonvolatile random access memory (NVRAM) module with said application software (column 7, lines 49-58 and column 8, lines 38-40).

Per Claim 8:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device comprises making a determination by said operating system whether said application software is compatible with said operating system (column 8, lines 20-29).

Per Claim 9:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device comprises making a determination by said operating system whether said application software is compatible with said computer system (column 8, lines 20-29).

Per Claim 10:

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The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with Microsoft® Windows® operating system (column 14, lines 15-39).

Per Claim 11:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with a UNIX-based operating system (column 14, lines 15-39).

Per Claim 12:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with Linux® operating system (column 14, lines 15-39).

Per Claim 13:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with Macintosh® MacOS® operating system (column 14, lines 15-39).

Per Claim 14:

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The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with Solaris® operating system (column 14, lines 15-39).

Per Claim 15:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with AIX® operating system (column 14, lines 15-39).

Per Claim 16:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said querying said peripheral device by said operating system is performed in association with HP-UX® operating system (column 14, lines 15-39).

Per Claim 17:

The rejection of claim 1 is incorporated, and Pleso further teaches wherein said peripheral device is selected from the group consisting of: a printer, a digital camera and a scanner (column 5, lines 1-15).

Per Claims 18 & 20-21:

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These are system versions of the claimed method discussed above (claims 1, 3 and 17, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 19:

This is a system version of the claimed method discussed above (claims 2, 5, 6 and 7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 22:

This is a computer-readable medium version of the claimed method discussed above (claims 1, 8 and 9), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 23:

This is a computer-readable medium version of the claimed method discussed above (claims 2, 5, 6 and 7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

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Per Claim 24:

This is a computer-readable medium version of the claimed method discussed above, claim 17, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 25:

This is a computer-readable medium version of the claimed method discussed above (claims 10, 11 and 13), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “Windows® NT® operating system” (column 14, lines 15-39). Thus, accordingly, this claim is also obvious.

Per Claims 26-27:

These are computer-readable medium versions of the claimed method discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 28 (as best understood):

This is a peripheral device version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

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Per Claim 29 (as best understood):

This is a peripheral device version of the claimed method discussed above (claims 2 and 5-7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 30 (as best understood):

This is a peripheral device version of the claimed method discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Response to Arguments

10. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

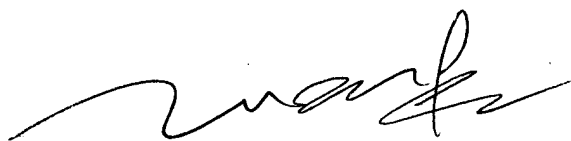
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QN
September 27, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER